

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH, GA.  
2019 FEB 23 PM 3:22

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AHMAD RASHAAD FERGUSON, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NO. CV413-181

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 9), to which objections have been filed (Doc. 12). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 Petition is **DENIED**. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner relies on Moncrieffe v. Holder, \_\_\_ U.S. \_\_\_, 133 S. Ct. 1678 (2013), for the proposition that his prior convictions for possession of marijuana or cocaine with the intent to distribute do not qualify him as a career offender for purposes of sentencing under the federal guidelines. (Doc. 12 at 2-6.) As the

Magistrate Judge correctly pointed out, Moncrieffe defined aggravated felonies for drug trafficking under the Immigration and Nationality Act. 133 S. Ct. at 1685-87. The Armed Career Criminal Act, however, contains its own definition of felony drug offenses, under which Petitioner's prior convictions clearly fall. See 21 U.S.C. § 802(44); id. § 841(b)(1)(B). As a result, Petitioner's reliance on Moncrieffe is misplaced as it offers him no relief.

SO ORDERED this 28<sup>th</sup> day of February 2014.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA